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**U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:19-mj-02400-UA-1**

Case title: USA v. Caplan

Date Filed: 03/12/2019

Assigned to: Judge Unassigned

Defendant (1)

Gordon Caplan

represented by **Patrick J. Smith**
Smith Villazor LLP
250 West 55th Street, 30th Fl
New York, NY 10019
(212) 582-4400
Fax: (347) 338-2532
Email:
patrick.smith@smithvillazor.com
LEAD ATTORNEY
Designation: Retained

Peter S. Cane
Cane & Associates LLP
200 Park Avenue, Floor 17th
New York, NY 10166
(212) 627-7000
Fax: (646) 349-2312
Email: peter@canelaw.com
LEAD ATTORNEY
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1349.F CONSPIRACY TO
COMMIT MAIL AND HONEST
SERVICES MAIL FRAUD

Disposition**Plaintiff**

USA

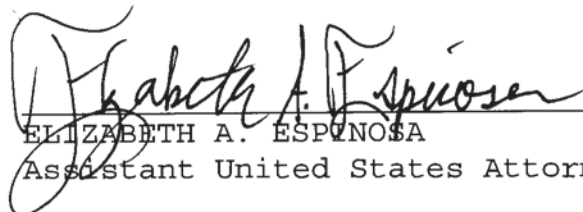
represented by **Elizabeth Anne Espinosa**
DOJ-USAO
1 St. Andrew's Plaza
New York, NY 10007
(212) 637-2216
Email: elizabeth.espinosa@usdoj.gov
LEAD ATTORNEY
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/12/2019		Arrest (Rule 5(c)(3)) of Gordon Caplan. (dif) (Entered: 03/13/2019)
03/12/2019	<u>1</u>	RULE 5(c)(3) AFFIDAVIT of Sean Sweeney, Special Agent with the Federal Bureau of Investigation ("FBI"), from the United States District Court - District of Massachusetts, as to Gordon Caplan. (Signed by Judge Magistrate Judge Gabriel W. Gorenstein on 3/12/2019) (dif) (Main Document 1 replaced on 3/25/2019) (bw). (Entered: 03/13/2019)
03/12/2019	<u>2</u>	NOTICE OF ATTORNEY APPEARANCE: Retained Attorney Peter S. Cane appearing for Gordon Caplan. (dif) (Entered: 03/13/2019)
03/12/2019	<u>3</u>	NOTICE OF ATTORNEY APPEARANCE: Retained Attorney Patrick J. Smith appearing for Gordon Caplan. (dif) (Entered: 03/13/2019)
03/12/2019		Attorney update in case as to Gordon Caplan. Attorney Peter S. Cane for Gordon Caplan added.. (dif) (Entered: 03/13/2019)
03/12/2019		Attorney update in case as to Gordon Caplan. Attorney Patrick J. Smith for Gordon Caplan added.. (dif) (Entered: 03/13/2019)
03/12/2019	<u>4</u>	Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein: Initial Appearance in Rule 5(c)(3) Proceedings as to Gordon Caplan held on 3/12/2019., Deft Appears with Retained Attorney Patrick Smith and Peter Cane and AUSA Elizabeth Espinosa for the government. AGREED CONDITIONS OF RELEASE: \$500,000 PRB; ONE FRP; Travel Limited to SDNY/EDNY; District of Connecticut and District of Massachusetts; Surrender Travel Documents (& No New Applications); Pretrial Supervision As Directed by PTS; Deft Not to Possess Firearm/Destructive Device/Other Weapon; Deft to Be Released on Own Signature; Remaining Conditions to Be Met by 3/19/19; Defendant to Appear in District of Massachusetts on March 29, 2019 at 2:00 PM; Identity Hearing Waived; (Preliminary Hearing set for 4/11/2019 at 10:00 AM before Judge Unassigned.) (dif) (Entered: 03/13/2019)

03/12/2019	5	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Gordon Caplan. Personal Recognizance Bond in the amount of \$ 500,000 PRB, ONE FRP; Travel Limited to SDNY/EDNY; District of Connecticut and District of Massachusetts; Surrender Travel Documents (& No New Applications); Pretrial Supervision As Directed by PTS; Deft Not to Possess Firearm/Destructive Device/Other Weapon; Deft to Be Released on Own Signature; Remaining Conditions to Be Met by 3/19/19; Deft to Appear in District of Massachusetts on March 29, 2019 at 2:00 PM (dif) (Entered: 03/13/2019)
03/13/2019		RULE 5(c)(3) DOCUMENTS SENT as to Gordon Caplan from the U.S.D.C. Southern District of New York to the United States District Court - District of Massachusetts. Sent original file along with documents numbered 1 to 5, certified copies of: Rule 5(c)(3) Documents, the docket sheet, and letter of acknowledgment. on 3/13/2019. (dif) (Entered: 03/13/2019)

ORIGINAL

Approved:


 ELIZABETH A. ESPINOSA
 Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
 United States Chief Magistrate Judge
 Southern District of New York

- - - - - X

UNITED STATES OF AMERICA

:

19 Mag. _____

:

- v. -

:

RULE 5(c)(3)

:

AFFIDAVIT

GORDON CAPLAN,

:

Defendant.

19MAG . 2400

:

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss:

SEAN SWEENEY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

1. On or about March 11, 2019, the United States District Court for the District of Massachusetts issued a warrant for the arrest (the "Arrest Warrant") of "Gordon Caplan" based on complaint charging "Gordon Caplan" with one count of violating 18 U.S.C. § 1349 (conspiracy to commit mail fraud and honest services mail fraud). A copy of the Arrest Warrant and the complaint are attached as Exhibit A hereto and incorporated by reference herein.

2. I believe that GORDON CAPLAN, the defendant, who was arrested by the FBI on March 12, 2019, in the Southern District of New York, is the same person as the "Gordon Caplan" who is wanted by the United States District Court for the District of Massachusetts.

3. The bases for my knowledge and for the foregoing charge are, in part, as follows:

a. I am a Special Agent with the FBI. I have been personally involved in determining whether GORDON CAPLAN, the defendant, is the same individual as the "Gordon Caplan" named in the Arrest Warrant. Because this

Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

b. Based on my review of documents from proceedings in the United States District Court for the District of Massachusetts, I know that, on or about March 11, 2019, the United States District Court for the District of Massachusetts issued the Arrest Warrant. The Arrest Warrant was based on a complaint charging "Gordon Caplan" with one count of violating 18 U.S.C. § 1349 (conspiracy to commit mail fraud and honest services mail fraud). The complaint was issued in connection with case number 19-MJ-6087-MPK in the District of Massachusetts.


c. On March 12, 2019, at approximately 6:30 a.m., GORDON CAPLAN, the defendant, was arrested by the FBI. At the time of arrest, CAPLAN admitted to me that his name is "Gordon Caplan." CAPLAN also provided a copy of a United States Passport in the name "Gordon Caplan" and bearing his photograph.

d. I have received from other law enforcement officers photographs of the "Gordon Caplan" named and sought in the Arrest Warrant. Based on my personal observations, the photograph provided by other law enforcement officers appears to depict GORDON CAPLAN, the defendant.

[Intentionally Left Blank]

4. Accordingly, I believe that the "Gordon Caplan" sought in the Arrest Warrant is the defendant, GORDON CAPLAN.

WHEREFORE, I respectfully request that GORDON CAPLAN, the defendant, be imprisoned or bailed as the case may be.


SEAN SWEENEY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
12th day of March, 2019.

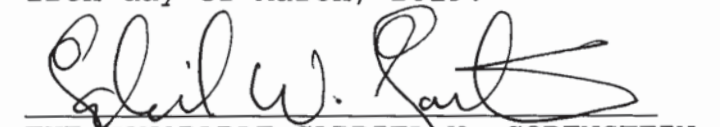

THE HONORABLE GABRIEL W. GORENSTEIN
United States Chief Magistrate Judge
Southern District of New York

EXHIBIT A

JS 45 (5/97) - (Revised U.S.D.C. MA 3/25/2011)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. I Investigating Agency FBICity Boston Related Case Information:County Middlesex Superseding Ind./ Inf. _____ Case No. 19-MJ-6087-MPK
Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number See additional information
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Gordon Caplan Juvenile: ☐ Yes ☒ NoIs this person an attorney and/or a member of any state/federal bar: ☐ Yes ☒ No

Alias Name _____

Address (City & State) Greenwich, CTBirth date (Yr only): 1966 SSN (last4#): ██████ Sex M Race: White Nationality: USA

Defense Counsel if known: _____ Address _____


Bar Number _____

U.S. Attorney Information:AUSA Eric S. Rosen Bar Number if applicable NY4412326Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Victims: ☒ Yes ☐ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☒ Yes ☐ NoMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date _____

☐ Already in Federal Custody as of _____ in _____☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by: _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: March 11, 2019Signature of AUSA: 

JS 45 (5/97) (Revised U.S.D.C. MA 12/7/05) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): 19-MJ-6087-MPKName of Defendant Gordon Caplan

U.S.C. Citations		
<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. 1349</u>	<u>Conspiracy to Commit Mail Fraud</u>	<u>1</u>
Set 2 _____	<u>& Honest Services Mail Fraud</u>	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: 18-6218-MPK, 18-6237-MPK, 18-6236-MPK, 18-6234-MPK, 18-6238-MPK
18-6235-MPK, 18-6476-MPK, 18-6477-MPK, 18-6475-MPK, 18-6478-MPK, 18-6261-MPK, 18-6260-MPK
19-6003-MPK, 19-6005-MPK, 19-6004-MPK, 19-6006-MPK, 18-6240-MPK, 18-6310-MPK, 18-6474-MPK, 18-6474-MPK
18-7227-MPK, 19-6029-MPK, 19-6030-MPK

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of MassachusettsUnited States of America
v.
GORDON CAPLAN

Case No. 19-MJ-6087-MPK

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) GORDON CAPLAN,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to Commit Mail Fraud and Honest Services Mail Fraud (18 U.S.C. § 1349)

Date: 03/11/2019City and state: Boston, MAKellie
Issuing Officer's Signature
Paul Kelley, ES Magistrate Judge
Name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant (Page 2)

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: Gordon Caplan

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____

Weight: _____

Sex: M

Race: White

Hair: _____

Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America

v.

GREGORY ABBOTT, MARCIA ABBOTT, GAMAL
 ABDELAZIZ, DIANE BLAKE, TODD BLAKE, JANE
 BUCKINGHAM, GORDON CAPLAN, I-HSIN CHEN
 (see below for additional names)

Case No.

MJ No. 19-6087-MPK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2011 to the present in the county of Suffolk and elsewhere in the
District of Massachusetts, the defendant(s) violated:

Code Section

Offense Description

18 USC 1349

Conspiracy to commit mail fraud and honest services mail fraud

This criminal complaint is based on these facts:

See Affidavit of FBI SA Laura Smith. Amy and Gregory Colburn, Robert Flaxman, Mossimo Giannulli, Elizabeth and Manuel Henriquez, Douglas Hodge, Felicity Huffman, Agustin Huneeus Jr., Bruce and Davina Isackson, Michelle Janavs, Elisabeth Kimmel, Marjorie Klapper, Lori Loughlin, Toby MacFarlane, William McGlashan Jr., Marci Palatella, Peter Jan Sartorio, Stephen Semprevivo, Devin Sloane, John Wilson, Homayoun Zadeh, Robert Zangrillo

☐ Continued on the attached sheet.

Laura Smith
 Complainant's signature

Laura Smith, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/11/2019

City and state: Boston, Massachusetts



Hon. M. Paige Kelley, USMJ

Printed name and title

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

USA

Plaintiff

Gordon Caplan

Defendant

Case No.

19 MAG 2400

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Gordon Caplan

Date:

3/12/19

Attorney's signature

PETER S. CANE

Printed name and bar number

200 Park Avenue, 17th Floor

Address

peter@canelaw.com

E-mail address

212-627-7000

Telephone number

646-349-2312

FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

United States of America
Plaintiff
Gordon v. Caplan
Defendant

Case No.

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Date:

3/12/2019

Attorney's signature

Patrick Smith

Printed name and bar number

Address

250 W. 55th, 30th Floor

E-mail address

patrick.smith@smithwilliams.com

Telephone number

(212) 582-4420

FAX number

DOCKET No. 19m2400

DEFENDANT

AUSA

Elizabeth Espinosa

DEF.'S COUNSEL

Patrick Smith☐ INTERPRETER NEEDED☒ RETAINED ☐ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY☐ DEFENDANT WAIVES PRETRIAL REPORT☐ Rule 5 ☐ Rule 9 ☒ Rule 5(c)(3) ☐ Detention Hrg.

DATE OF ARREST

☐ VOL. SURR.☐ Other:

TIME OF ARREST

☐ ON WRITTIME OF PRESENTMENT 4:02pm**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: _____☐ SEE TRANSCRIPT☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$ 500,000 PRB ☒ 1 FRP☐ SECURED BY \$ _____ CASH/PROPERTY: _____☒ TRAVEL RESTRICTED TO SDNY/EDNY/ D. Conn / D. Mass + travel☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☒ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☒ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____; REMAINING CONDITIONS TO BE MET BY: 3/19/2019**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**D to appear in D. Mass. on March 29 at 2:00 pm.☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON _____☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____**For Rule 5(c)(3) Cases:**☒ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☐ CONTROL DATE FOR REMOVAL: _____PRELIMINARY HEARING DATE: 4/11/2019☐ ON DEFENDANT'S CONSENTDATE: 3/12/19Salil W. Sarkar
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

ORIGINAL

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)

V.)

) 19 M 2400

GORDON CAPLAN)*Defendant*)

APPEARANCE BOND

Defendant's Agreement

I, GORDON CAPLAN (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
 (☒) if convicted, to surrender to serve a sentence that the court may impose; or
 (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(☒) (1) This is a personal recognizance bond.

(X) (2) This is an unsecured bond of \$ 500,000 PRB.

(☐) (3) This is a secured bond of \$ _____, secured by:

(☐) (a) \$ _____, in cash deposited with the court.

(☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

 If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(☐) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

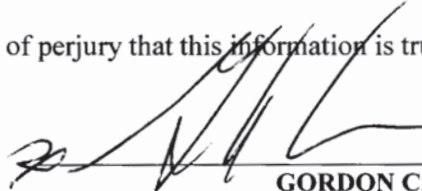
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 3/12/2019



GORDON CAPLAN

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 3/11/2019



Signature of Clerk or Deputy Clerk -

Approved.

Date: 3/12/2019



AUSA ELIZABETH ESPINOSA

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)

v.)

GORDON CAPLAN) **19 MAG 2400**Defendant)**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☐) (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

(☒) (7) The defendant must:

(☒) (a) submit to supervision by and report for supervision to the **PRETRIAL SUPERVISION AS DIRECTED BY PTS**,

telephone number _____, no later than _____.

(☐) (b) continue or actively seek employment.

(☐) (c) continue or start an education program.

(☒) (d) surrender any passport to: **PSA (& NO NEW APPLICATIONS)**

(☒) (e) not obtain a passport or other international travel document.

(☒) (f) abide by the following restrictions on personal association, residence, or travel: **SDNY/EDNY & D. CONN & D. MASS**

(☐) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

(☐) (h) get medical or psychiatric treatment: _____

(☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☒) (k) not possess a firearm, destructive device, or other weapon.

(☐) (l) not use alcohol (☐) at all (☐) excessively.

(☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

(☐) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(☐) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(☐) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) (s) **\$500,000 PRB TO BE CO-SIGNED BY ONE FINANCIALLY RESPONSIBLE PERSON; TRAVEL LIMITED TO SDNY/EDNY; DISTRICT OF CONNECTICUT AND DISTRICT OF MASSACHUSETTS; SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS: PRETRIAL SUPERVISION AS DIRECTED BY PTS; DEFT NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON; DEFT TO BE RELEASED ON OWN SIGNATURE; REMAINING CONDITIONS TO BE MET BY 3/19/19; DEFT TO APPEAR IN DISTRICT OF MASSACHUSETTS ON MARCH 29, 2019 AT 2:00 PM**
-

ADVICE OF PENALTIES AND SANCTIONSTO THE DEFENDANT: **GORDON CAPLAN** **19 MAG 24000** **3/12/2019****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Defendant's Release

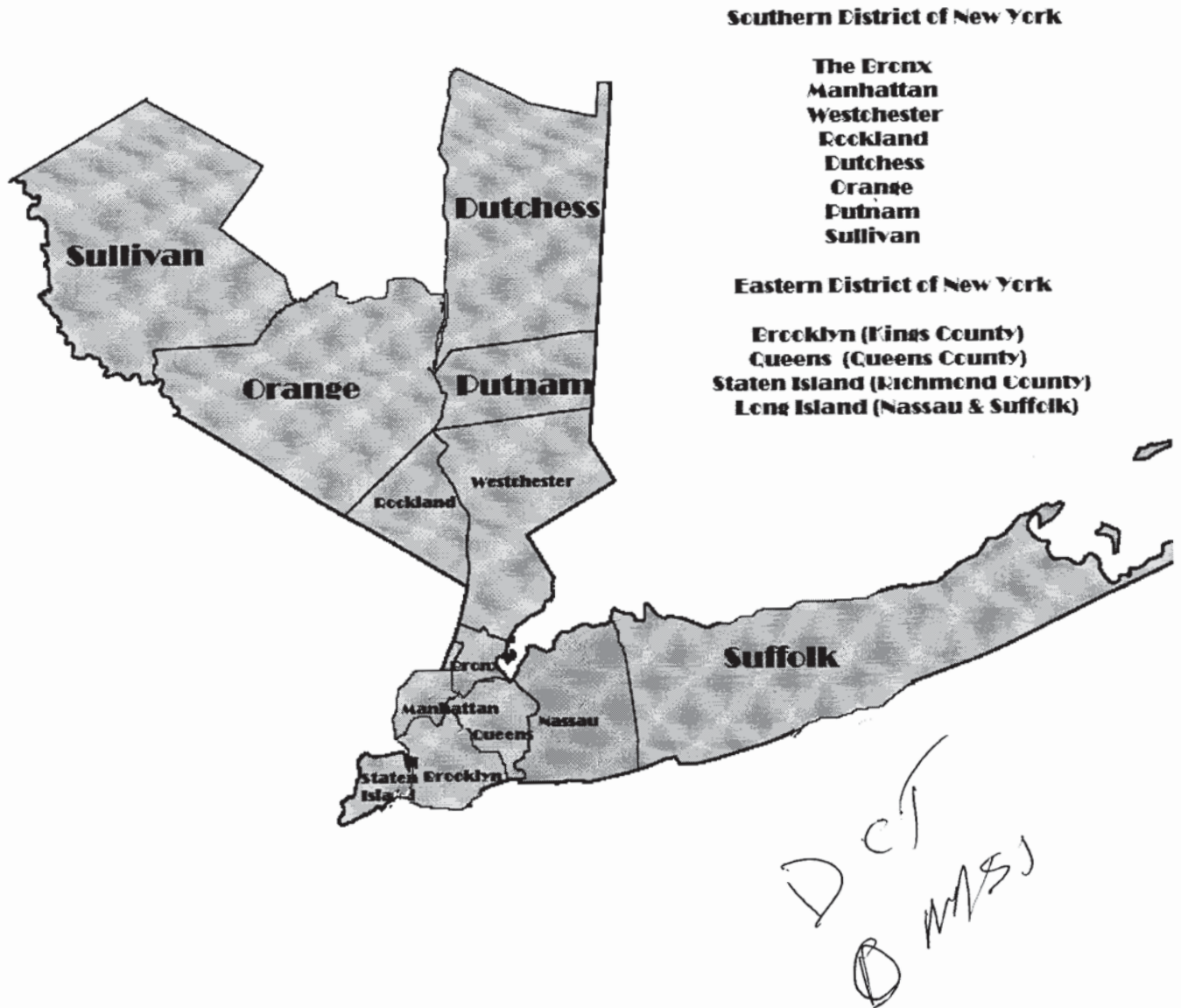

GORDON CAPLAN_____
*City and State***Directions to the United States Marshal**

- (☐) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: _____

*Judicial Officer's Signature*_____
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



DOCKET No. 19m2400

DEFENDANT

AUSA

Elizabeth Espinosa

DEF.'S COUNSEL

Gordon Caplan
Patrick Smith
Peter Cane☐ INTERPRETER NEEDED☒ RETAINED ☐ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY
☐ DEFENDANT WAIVES PRETRIAL REPORT☐ Rule 5 ☐ Rule 9 ☒ Rule 5(c)(3) ☐ Detention Hrg.

DATE OF ARREST _____

☐ VOL. SURR.

TIME OF ARREST _____

☐ ON WRIT☐ Other: _____TIME OF PRESENTMENT 4:02pm**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: _____☐ SEE TRANSCRIPT☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$ 500,000 PRB ☒ 1 FRP☐ SECURED BY \$ _____ CASH/PROPERTY: _____☒ TRAVEL RESTRICTED TO SDNY/EDNY/ D. Conn / D. Mass ~~and other states~~☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☒ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☒ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____; REMAINING CONDITIONS TO BE MET BY: 3/19/2019**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**D to appear in P. Mass. on March 29 at 2:00pm.☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON _____☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____**For Rule 5(c)(3) Cases:**☒ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☐ CONTROL DATE FOR REMOVAL: _____PRELIMINARY HEARING DATE: 4/11/2019☐ ON DEFENDANT'S CONSENTDATE: 3/12/19Salilal Sub
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.